



09-29-04

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2177

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Case No. 1617.1001CIP

(MBHB 03-622-A)

In re Application of:

Timothy W. Dygert

Serial No.: 09/976,038

Filed: October 15, 2001

For: Playback Device Having

Text Display and Communication

with Remote Database of Titles

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Group Art Unit: 2177

Examiner: Ali, Mohammad

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

**REQUEST FOR CORRECTION OF**  
**INVENTORSHIP UNDER 37 CFR § 1.48(a)**

Dear Sir:

Applicants respectfully request the following inventors to be added to this application:

Scott A. Jones of 1150 West 116<sup>th</sup> Street, Carmel, Indiana 46032; and

Douglas M. Keenan of 505 Tamarack Lane, Noblesville, Indiana 46060

The omission of Scott A. Jones and Douglas M. Keenan occurred without deceptive intent on the part of Timothy W. Dygert, Sethu K. Madhavan, Gerard V. Talatinian, Scott A. Jones, or Douglas M. Keenan.

Enclosed with this Request are:

- ☒ A statement from Scott A. Jones stating that the error in inventorship occurred without deceptive intention on his part;

09/29/2004 ZJUHR1 00000033 09976038

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130.00 DP

- ☒ A Declaration and Power of Attorney as required by CFR § 1.63 signed by all the actual inventors except the non-signing inventor, Douglas Keenan;
- ☒ Consent of Assignee Pursuant to 37 CFR §3.73(b);
- ☒ Petition under 37 CFR §1.47(a) to make the application on behalf of the non-signing inventor, Douglas Keenan;
- ☒ A signed Declaration of Facts of Joseph A. Herndon in Support of the Petition under 37 CFR §1.47(a) together with Exhibits A-D;
- ☒ Payment in the amount of \$130.00 for the processing fee set forth in CFR § 1.17(h) for the Petition under 37 CFR § 1.47(a);
- ☒ Payment in the amount of \$130.00 for the processing fee set forth in CFR § 1.17(i) for this Request for Correction of Inventorship under 37 CFR § 1.48(a);


Respectfully submitted,

**McDonnell Boehnen Hulbert & Berghoff LLP**

Date: \_\_\_\_\_

9/29/04

By: \_\_\_\_\_

  
Joseph A. Herndon  
Reg. No. 50,469



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Case No. 1617.1001CIP  
(MBHB 03-622-A)

In re Application of: )  
Timothy W. Dygert ) Group Art Unit: 2177  
Serial No.: 09/976,038 ) Examiner: Ali, Mohammad  
Filed: October 15, 2001 )  
For: Playback Device Having )  
Text Display and Communication )  
with Remote Database of Titles )

Commissioner for Patent  
P.O. Box 1450  
Alexandria Virginia 22313-1450

**PETITION UNDER 37 C.F.R. §1.47(a)**

Sir:

Because Douglas Keenan, one of the inventors for the present application, refuses to sign the oath and declaration under 37 C.F.R. § 1.63 and a Statement indicating that the error in inventorship in U.S. Patent Application Serial No. 09/976,038 occurred without deceptive intention on his part, Applicants submit this Petition Under 37 C.F.R. § 1.47(a) to make the application and the Statement on behalf of Douglas Keenan.

As proof of diligence, Applicants submit the accompanying Declaration of Joseph A. Herndon, registered patent agent and employee of McDonnell Boehnen Hulbert & Berghoff, a law firm having offices at 300 South Wacker Drive, Chicago, Illinois 60606, including its

Exhibits A-D setting forth attempts to obtain the signature of the non-signing inventor.

09/29/2004 ZJUHR1 00000033 09976038

03 FC:1460

130.00 OP

McDonnell Boehnen  
Hulbert & Berghoff LLP  
300 S. Wacker Drive  
Chicago, Illinois 60606  
(312) 913-0001

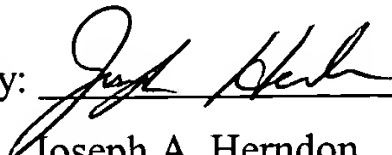
Douglas Keenan's last known address is 505 Tamarack Lane, Noblesville, Indiana 46060.

The required petition fee of \$130.00 under 37 C.F.R. §1.17(h) is enclosed herewith.

Respectfully submitted,

**McDonnell Boehnen Hulbert & Berghoff LLP**

Date: 9/28/04

By:   
Joseph A. Herndon  
Reg. No. 50,469



**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**Case No. 1617.1001CIP**

**(MBHB 03-622-A)**

**In re Application of:**

**Timothy W. Dygert**

**Serial No.: 09/976,038**

**Filed: October 15, 2001**

**For: Playback Device Having**

**Text Display and Communication**

**with Remote Database of Titles**

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**Group Art Unit: 2177**

**Examiner: Ali, Mohammad**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

**STATEMENT FROM SCOTT A. JONES**

Dear Sir:

I, Scott A. Jones, residing at 1150 West 116<sup>th</sup> Street, Carmel, Indiana 46032, hereby affirm that the error in inventorship in U.S. Patent Application Serial No. 09/976,038 occurred without deceptive intention on my part.

Respectfully Submitted,

By:

  
Scott A. Jones

**Case No. 1617.1001CIP**  
**(MBHB 03-622-A)**

**Timothy W. Dygert**

**Group Art Unit: 2177**

**Examiner: Ali, Mohammad**

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**DECLARATION OF FACTS BY JOSEPH A. HERNDON  
IN SUPPORT OF PETITION UNDER 37 C.F.R. §1.47(a)**

This Declaration of Facts is being made by an available person having first-hand knowledge of the facts recited therein.

**McDonnell Boehnen  
Hulbert & Berghoff LLP**  
300 S. Wacker Drive  
Chicago, Illinois 60606  
(312) 913-0001

2. I am employed by McDonnell Boehnen Hulbert & Berghoff, a law firm having offices at 300 South Wacker Drive, Chicago, Illinois 60606.

3. A patent application for U.S. Patent No. 6,304,523, entitled "Playback Device Having Text Display and Communication with Remote Database of Titles," naming Scott A. Jones and Douglas M. Keenan as inventors, was filed on January 5, 1999 by Richard A. Gollhofer, an employee of the law firm of Staas & Halsey and registered to practice before the U.S. Patent and Trademark Office, Registration No. 31,106. The patent application was assigned Application Serial No. 09/227,086 (hereinafter "the '086 application").

4. On October 15, 2001, Richard A. Gollhofer, an employee of the law firm of Staas & Halsey and registered to practice before the U.S. Patent and Trademark Office, Registration No. 31,106, filed a continuation-in-part patent application (hereinafter "the present application") claiming priority to the '086 application.

5. The '086 application and the present application were transferred to the law firm of McDonnell Boehnen Hulbert & Berghoff on or about May of 2003 and Powers of Attorney by Assignee of Entire Interest and Revocation of Prior Powers for both applications is attached as Exhibit A.

6. On October 16, 2003, Mr. Eric Moran, an employee of McDonnell Boehnen Hulbert & Berghoff and a patent attorney registered to practice before the U.S. Patent and Trademark Office, Registration No. 50,967, filed a reissue patent application for U.S. Patent No. 6,304,523, entitled "Playback Device Having Text Display and Communication with Remote Database of Titles," now Application Serial No. 10/687,510 (hereinafter "the reissue patent application") at

the request of Escient, a Delaware corporation, having a place of business at 2841 Mission College Boulevard, Santa Clara, California 95054.

7. The reissue patent application names two inventors: Scott A. Jones and Douglas M. Keenan.

8. The reissue patent application was filed without a signed Declaration and Power of Attorney naming the two inventors.

9. On May 28, 2004, I sent a package via United States Postal Service Express Mail to Mr. Keenan at 505 Tamarack Lane, Noblesville, Indiana 46060. The package contained copies of the reissue patent application, a Declaration and Power of Attorney for the reissue patent application, a cover letter asking Mr. Keenan to sign and return the Declaration and Power of Attorney for the reissue patent application, along with a pre-paid and pre-addressed return Fed Ex envelope addressed to me at the Offices of McDonnell Boehnen Hulbert & Berghoff. A copy of the letter is attached as Exhibit B.

10. On June 9, 2004, I sent a second package via United States Postal Service Express Mail to Mr. Keenan at 505 Tamarack Lane, Noblesville, Indiana 46060. The package contained a second set of copies of the reissue patent application, a Declaration and Power of Attorney for the reissue patent application, a cover letter asking Mr. Keenan to sign and return the documents, along with a pre-paid and pre-addressed return Fed Ex envelope addressed to me at the Offices of McDonnell Boehnen Hulbert & Berghoff. A copy of the letter is attached as Exhibit C.

11. During the weeks of May 24, 2004, May 31, 2004, June 7, 2004, June 14, 2004, and June 21, 2004, I called Mr. Keenan at (317) 776-1144 and (317) 776-1404 (e.g., phone numbers




discovered from a white pages telephone search) and left several voicemails requesting that he call me at the Offices of McDonnell Boehnen Hulbert & Berghoff.

12. On June 23, 2004, I received an envelope containing a letter and another envelope containing another letter. A copy of both envelopes and both letters are attached as Exhibit D. As shown, the letters were written by Douglas Keenan and indicate that he has no interest in signing anything for the reissue patent application, or for anything concerning the present patent application.

I hereby declare that all statements made herein to the best of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful statements may jeopardize the validity of the application or any patent issued thereon.

Dated: 9/28/04

By:   
Joseph A. Herndon  
Reg. No. 50,469  
Patent Agent  
McDonnell Boehnen Hulbert & Berghoff  
300 South Wacker Drive  
Chicago, Illinois 60606  
Telephone: 312-913-0001  
Facsimile: 312-913-0002



Case No.: 1617.1001CIP  
(MBHB 03-622-A)

**DECLARATION AND POWER OF ATTORNEY  
FOR PATENT APPLICATION**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**PLAYBACK DEVICE HAVING TEXT DISPLAY AND  
COMMUNICATION WITH REMOTE DATABASE OF TITLES**

the specification of which was filed on October 15, 2001 and has serial number 09/976,038.

I believe the following persons to be inventors of the above-referenced application: (1) Timothy W. Dygert of Columbia City, IN, (2) Sethu K. Madhavan of ~~Noblesville, IN~~ <sup>CANTON, MI</sup>, (3) Gerard V. Talatinian of Indianapolis, IN, (4) Scott A. Jones of Carmel, IN, and (5) Douglas M. Keenan of Noblesville, IN.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR § 1.56.

I hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT international application which designated at least one country other than the United States, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s):

	<u>Number</u>	<u>Country</u>	<u>Day/Month/Year Filed</u>
1.			

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below:

	<u>Application Number</u>	<u>Filing Date</u>
1.		

I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s), or § 365(c) of any PCT international application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

	<u>Application Number</u>	<u>Filing Date</u>	<u>Status: patented, pending, abandoned</u>
1.	09/227,086	January 5, 1999	Patented (Now U.S. Patent No. 6,304,523)

I hereby appoint the practitioners associated with the Customer Number provided below to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith, and I direct that all correspondence be addressed to that Customer Number.

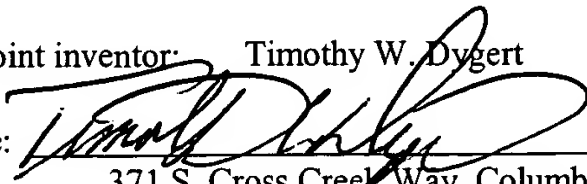
Customer Number: **020306**

Principal attorney or agent: Eric Moran

Telephone number: 312-913-0001

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of first joint inventor: Timothy W. Dygert

Inventor's signature: 

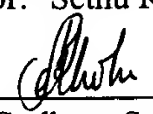
Date: 8/27/04

Residence: 371 S. Cross Creek Way, Columbia City, Indiana 46725

Citizenship: United States of America

Post Office Address: 371 S. Cross Creek Way, Columbia City, Indiana 46725

Full name of second joint inventor: Sethu K. Madhavan

Inventor's signature: 

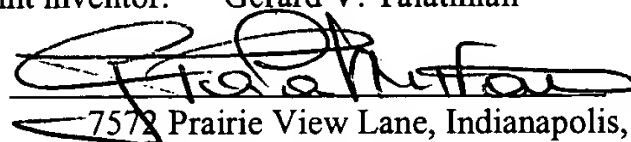
Date: 9/7/04

Residence: ~~2012 Sudbury Street, Naperville, Illinois 60564~~ 49121 ROCKEFELLER DR, CANTON, MI 48188

Citizenship: India

Post Office Address: ~~2012 Sudbury Street, Naperville, Illinois 60564~~ 49121 ROCKEFELLER DR, CANTON, MI 48188

Full name of third joint inventor: Gerard V. Talatinian

Inventor's signature: 

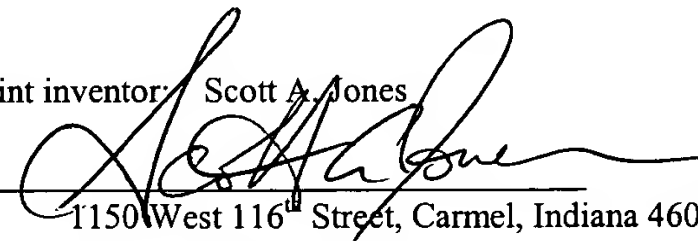
Date: 09/02/2004

Residence: ~~7572 Prairie View Lane, Indianapolis, Indiana 46256~~

Citizenship: United States of America

Post Office Address: 7572 Prairie View Lane, Indianapolis, Indiana 46256

Full name of fourth joint inventor: Scott A. Jones

Inventor's signature: 

Date: 9-19-04

Residence: 1150 West 116<sup>th</sup> Street, Carmel, Indiana 46032

Citizenship: United States of America

Post Office Address: 1150 West 116<sup>th</sup> Street, Carmel, Indiana 46032

Full name of fifth joint inventor: Douglas M. Keenan

Inventor's signature: \_\_\_\_\_

Date: \_\_\_\_\_

Residence: 505 Tamarack Lane, Noblesville, Indiana 46060

Citizenship: United States of America

Post Office Address: 505 Tamarack Lane, Noblesville, Indiana 46060



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
Case No. 1617.1001CIP  
(MBHB 03-622-A)

In re Application of: )  
Timothy W. Dygert ) Group Art Unit: 2177  
Serial No.: 09/976,038 ) Examiner: Ali, Mohammad  
Filed: October 15, 2001 )  
For: Playback Device Having )  
Text Display and Communication )  
with Remote Database of Titles )

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**CONSENT OF ASSIGNEE PURSUANT TO 37 CFR 3.73(b)**

Dear Sir:

Digital Networks North America, Inc. (DNNA) is the assignee of U.S. Patent Application No. 09/976,038. DNNA consents to the correction of inventorship under 37 CFR § 1.48(a) for this patent application. In particular, DNNA consents to the addition of Scott A. Jones of 1150 West 116<sup>th</sup> Street, Carmel, Indiana 46032, and Douglas M. Keenan of 505 Tamarack Lane, Noblesville, Indiana 46060 to the inventorship of this patent application.

Thus, the inventorship for U.S. Patent Application No. 09/976,038 includes Tim Dygert, Sethu Madhavan, Gerard Talatinian, Scott A. Jones, and Douglas M. Keenan. An assignment executed by Tim Dygert, Sethu Madhavan, and Gerard Talatinian assigning to DNNA their entire rights to the above-referenced invention accompanies this consent. Further, Scott A. Jones and Douglas M. Keenan executed an assignment transferring their entire interest in the invention of U.S. Patent Application Serial No. 09/227,086 (the parent application to which the present

continuation-in-part application claims priority) and their entire interest in any continuation-in-part obtained for the same invention to DNNA. That assignment is recorded at reel 014462 and frame 0133.

The undersigned is authorized to act on behalf of Digital Networks North America, Inc (DNNA).

Date:

8/24/04

Respectfully submitted,

By:

David Meisels

David Meisels

General Counsel

Digital Networks North America, Inc.

**ASSIGNMENT AND AGREEMENT IN AN APPLICATION FOR  
LETTERS PATENT OF THE UNITED STATES OF AMERICA**

I hereby declare that I am a joint inventor of the invention relating to "Playback Device Having Text Display and Communication with Remote Database of Titles" described in an application for Letters Patent of the United States of America filed on October 15, 2001, having Serial No. 09/976,038.

For valuable consideration received, I hereby sell, assign and transfer to Digital Networks North America Inc. (DNNA), a corporation duly organized and existing under the laws of the State of Delaware, United States of America, its successors and assigns, my entire right, title and interest, for all countries in and to said inventions and all the rights and privileges under any and all Letters Patent that may be granted therefore, and any divisions, continuations, continuation-in-parts, reissues and extensions thereof.

I agree that, when requested, I will, without charge to said corporation but at its expense, sign all papers, take all rightful oaths, make all rightful declarations and do all acts which may be necessary, desirable or convenient for securing and maintaining patents or other forms of protection for said inventions in any and all countries and for vesting title thereto in said corporation, its successors, assigns or nominees.

I agree that I will communicate to said corporation or its representatives any facts known to me respecting said inventions and when requested by said corporation and at its expense will testify in any legal proceedings, and generally do everything possible to aid said corporation, its successors, assigns and legal representatives or nominees, to obtain or enforce proper protection for said inventions in any and all countries.

I authorize and empower said corporation, its successors, assigns or nominees, to make application for patent or other form of protection for said inventions in its or their own name, or in my/our name, in any and all countries to invoke and claim for any application for patent or other form of protection for said inventions filed by it or them, the benefit of the right of priority provided by the International Convention for the Protection of Industrial Property, as amended, or by any convention which may henceforth be substituted for it, and to invoke and claim such right of priority without further written or oral authorization from me.

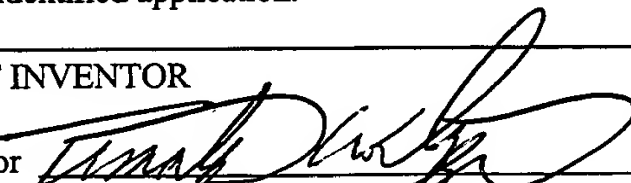
I hereby consent that a copy of this Assignment shall be deemed a full legal and formal equivalent of any assignment, consent to file or like document which may be required in any country for any purpose and more particularly in proof of the right of the said corporation or its successors, assigns or nominees to apply for patent or other proper protection for said inventions, and to claim the aforesaid benefits of the right of priority provided by the International Convention for the Protection of Industrial Property, as amended, or by any convention which may henceforth be substituted for it.

I covenant with DNNA, its successors, assigns, legal representatives, and nominees, that to the best of my knowledge the right, title and interest herein conveyed by me are free and clear of any encumbrance, and that I have the full right to convey the same as herein expressed.

This Agreement and Assignment supersedes all other assignments, agreements and addendums related to the above identified application.

JOINT INVENTOR

Inventor

  
(Timothy W. Dygert)

Date:

8/27/04

Citizenship: United States of America

Post Office Address: 371 S. Cross Creek Way, Columbia City, Indiana 46725

Witness:

Susan McNally  
(Print)

Susan McNally  
(Signature)

## JOINT INVENTOR

Inventor

(Sethu K. Madhavan)

Date:

09/7/04

Citizenship: India

49121 ROCKEFELLER DR, CANTON, MI 48188

Post Office Address: ~~2012 Sudbury Street, Naperville, Illinois 60564~~

Witness:

(Print)

SUSAN McNALLY

(Signature)

Susan McNALLY

## JOINT INVENTOR

Inventor

(Gerard V. Talatinian)

Date:

09/02/2004

Citizenship: United States of America

Post Office Address: 7572 Prairie View Lane, Indianapolis, Indiana 46256

Witness:

(Print)

SUSAN McNALLY

(Signature)

Susan McNALLY



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
(Case No. 03-622-A)

In re Application of: )  
 )  
 Timothy W. Dygert et al. )  
 ) Group Art Unit: 2651  
 Serial No.: 09/976,038 )  
 ) Examiner: Not Assigned  
 Filed: October 15, 2001 )  
 )  
 For: Playback Device Having Text Display )  
 And Communication with Remote )  
 Database of Titles )

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

**POWER OF ATTORNEY BY ASSIGNEE OF ENTIRE INTEREST**  
(REVOCATION OF PRIOR POWERS)

As assignee of record of the entire interest of the above identified

☒ application

☐ patent

**REVOCATION OF PRIOR POWERS OF ATTORNEY**

all powers of attorney previously given are hereby revoked and

**NEW POWER OF ATTORNEY**

The undersigned hereby appoints all of the practitioners associated with the Customer Number provided below to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith and directs that all correspondence be addressed to that Customer Number:

Customer Number: 020306  
Principal attorney or agent: Bradley J. Hulbert  
Telephone number: 312-913-0001



**Assignee of Entire Interest:**

Name: Digital Networks North America, Inc.

Address: 19 Chapin Road

Pine Brook, New Jersey 07058-9777

**EVIDENCE AND CERTIFICATION OF CHAIN OF TITLE**

☐ Recorded in PTO on \_\_\_\_\_

Reel \_\_\_\_\_

Frame \_\_\_\_\_

☒ Recorded herewith.

**ASSIGNEE CERTIFICATION**

In accordance with 37 C.F.R. § 3.73 the assignee hereby certifies that the evidentiary documents with respect to its ownership have been reviewed and that, to the best of assignee's knowledge and belief, title is in the assignee seeking to take this action.

Date: \_\_\_\_\_

7/9/05

Signature \_\_\_\_\_

Name: Michael Seedman

Title: Chairman of the Board



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
(Case No. 03-622)

In re Patent of: )  
)  
Scott A. Jones et al. )  
)  
Patent No.: 6,304,523 )  
) Examiner: Tan Dinh  
Issued: October 16, 2001 )  
)  
For: Playback Device Having Text Display )  
And Communication with Remote )  
Database of Titles )

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

**POWER OF ATTORNEY BY ASSIGNEE OF ENTIRE INTEREST**  
(REVOCATION OF PRIOR POWERS)

As assignee of record of the entire interest of the above identified

☐ application

☒ patent

**REVOCATION OF PRIOR POWERS OF ATTORNEY**

all powers of attorney previously given are hereby revoked and

**NEW POWER OF ATTORNEY**

The undersigned hereby appoints all of the practitioners associated with the Customer Number provided below to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith and directs that all correspondence be addressed to that Customer Number:

Customer Number: 020306  
Principal attorney or agent: Bradley J. Hulbert  
Telephone number: 312-913-0001

**Assignee of Entire Interest:**

Name: Digital Networks North America, Inc.

Address: 19 Chapin Road

Pine Brook, New Jersey 07058-9777

**EVIDENCE AND CERTIFICATION OF CHAIN OF TITLE**

☐ Recorded in PTO on \_\_\_\_\_

Reel \_\_\_\_\_

Frame \_\_\_\_\_

☒ Recorded herewith.

**ASSIGNEE CERTIFICATION**

In accordance with 37 C.F.R. § 3.73 the assignee hereby certifies that the evidentiary documents with respect to its ownership have been reviewed and that, to the best of assignee's knowledge and belief, title is in the assignee seeking to take this action.

Date: \_\_\_\_\_

7/9/03

Signature \_\_\_\_\_



Name: Michael Seedman

Title: Chairman of the Board



**McDonnell Boehnen Hulbert & Berghoff LLP**

300 South Wacker Drive      312 913 0001 phone  
Chicago, Illinois 60606-6709      312 913 0002 fax  
www.mbhb.com

May 28, 2004

Doug Keenan  
505 Tamarack Lane  
Noblesville, IN 46060

Re:      U.S. Reissue Patent Application  
         "Playback Device Having Text Display and  
         Communication With Remote Database of Titles"

Dear Doug:

I am writing in regard to an Openglobe patent with yourself and Scott A. Jones listed as the inventors. The patent is entitled "Playback Device Having Text Display and Communication With Remote Database of Titles." I have enclosed a copy of the patent.

We currently need to file some procedural papers related to this patent that require your signature. In particular, a reissue patent application has been filed for this patent, and we need to file a new Oath/Declaration that requires the signatures of the original inventors. I would greatly appreciate your help in this matter. I have enclosed a copy of the reissue patent application and the reissue Oath/Declaration. Please review the reissue application and the Oath/Declaration and sign and date the Oath/Declaration in the spaces provided (If any changes need to be made to your address/citizenship on the Oath/Declaration, please make and initial the changes).

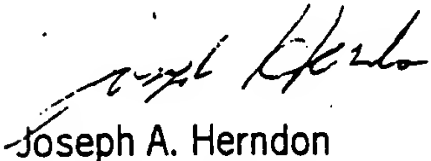
Please return the signed Oath/Declaration to me in the enclosed addressed return envelope. We would appreciate receiving the signed declaration as soon as possible.

In addition, please recall that you are obligated by a "duty of disclosure" under the U.S. Patent Laws, which requires you to submit to the Patent Office any and all information which you are aware that a Patent Examiner may consider to be material to the patentability of your invention, whether the information is considered alone or in combination with other information. This duty will continue to exist for as long as the patent application is pending before the Patent Office, and failure to comply with the duty

can render a resulting patent unenforceable in federal court. Thus, if you are aware of any such information (e.g., articles, technical specifications, instances of public use, etc., dated before January 5, 1999), please provide it to me so that we can determine whether to submit it to the Patent Office as required.

Please call me at the number below if you have any questions or concerns. We appreciate your cooperation in this matter.

Sincerely,



Joseph A. Herndon  
Patent Agent  
312 913 0001 x 2175  
herndon@mbhb.com

cc: George Lee  
Eric Moran



**McDonnell Boehnen Hulbert & Berghoff LLP**

300 South Wacker Drive      312 913 0001 phone  
Chicago, Illinois 60606-6709      312 913 0002 fax  
www.mbhb.com

June 9, 2004

Doug Keenan  
505 Tamarack Lane  
Noblesville, IN 46060

Re:      U.S. Reissue Patent Application  
         "Playback Device Having Text Display and  
         Communication With Remote Database of Titles"

Dear Doug:

I am writing in regard to an Openglobe patent with yourself and Scott A. Jones listed as the inventors. The patent is entitled "Playback Device Having Text Display and Communication With Remote Database of Titles." I have enclosed a copy of the patent.

I sent a letter to you previously on May 28, 2004 regarding this matter. I am writing again because we need to file some procedural papers, which relate to this patent that require your signature, by June 24, 2004.

In particular, a reissue patent application has been filed for this patent, and we need to file a new Oath/Declaration that requires the signatures of the original inventors. I would greatly appreciate your help in this matter. I have enclosed another copy of the reissue patent application and the reissue Oath/Declaration. Please review the reissue application and the Oath/Declaration and sign and date the Oath/Declaration in the spaces provided. (If any changes need to be made to your address/citizenship on the Oath/Declaration, please make and initial the changes).

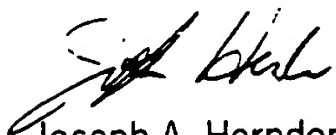
Please return the signed Oath/Declaration to me in the enclosed addressed return envelope. We would appreciate receiving the signed declaration as soon as possible.

In addition, please recall that you are obligated by a "duty of disclosure" under the U.S. Patent Laws, which requires you to submit to the Patent Office any and all information which you are aware that a Patent Examiner may consider to be material to the

patentability of your invention, whether the information is considered alone or in combination with other information. This duty will continue to exist for as long as the patent application is pending before the Patent Office, and failure to comply with the duty can render a resulting patent unenforceable in federal court. Thus, if you are aware of any such information (e.g., articles, technical specifications, instances of public use, etc., dated before January 5, 1999), please provide it to me so that we can determine whether to submit it to the Patent Office as required.

Please call me at the number below if you have any questions or concerns. **Again, we must file the signed Oath/Declaration by June 24, 2004.** We appreciate your timely cooperation in this matter.

Sincerely,



Joseph A. Herndon  
Patent Agent  
312 913 0001 x 2175  
herndon@mbhb.com

cc: George Lee  
Eric Moran

Douglas M. Keenan  
505 Tamarack Ln.  
Noblesville, IN 46060-9132

IN 462

BEST AVAILABLE COPY

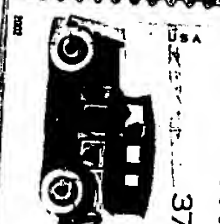
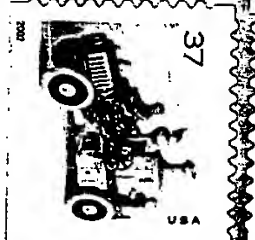
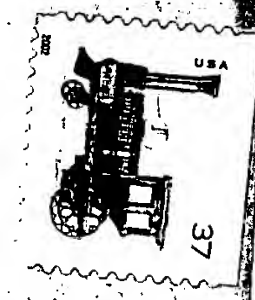
11/11

22

2004

PM

INDIANAPOLIS, IN 462



JOSEPH HERNDON

c/o McDONNELL BOEHMERS HOLBERT & BERGHOFF

300 South Wacker Drive

Chicago Illinois

60606-6709



I have no intentions of signing anything.  
This has taken too much of my time already.

You have nothing I want and "opportunities"  
do not interest me. I do not trust your company.

Professionally I should let you twist in  
the wind but personally I just want  
you to stop bothering me. That is likely  
not going to happen until you get this  
message.

Now you have it. Go away. (And fix your mail.)

BEST AVAILABLE COPY

Douglas M. Keenan  
505 Tamarack Ln.  
Noblesville, IN 46060-9132



ATTEMPTED, NOT KNOWN



JOE HERNDON

300 South Wacker Drive

Chicago IL

10/10/94-1,7799

60606+666

9 June 04

Joseph A. Herndon  
300 South Wacker Drive  
Chicago Illinois 60606-6709

Mr. Herndon:

I do not interpret a demand on your time as such on mine. Frankly it is rude for you to do so.

I have no history with Openglobe since Escient saw fit to remove me before that opportunity.

I don't care about this anymore and have no interest in signing anything, so go away.

Sincerely,

  
Douglas Keenan



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
(Case No. 03-622-A)

In re Application of: )  
)  
Timothy W. Dygert et al. )  
) Group Art Unit: 2651  
Serial No.: 09/976,038 )  
) Examiner: Not Assigned  
Filed: October 15, 2001 )  
)  
For: Playback Device Having Text Display )  
And Communication with Remote )  
Database of Titles )

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

**POWER OF ATTORNEY BY ASSIGNEE OF ENTIRE INTEREST**  
**(REVOCATION OF PRIOR POWERS)**

As assignee of record of the entire interest of the above identified

☒ application

☐ patent

**REVOCATION OF PRIOR POWERS OF ATTORNEY**

all powers of attorney previously given are hereby revoked and

**NEW POWER OF ATTORNEY**

The undersigned hereby appoints all of the practitioners associated with the Customer Number provided below to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith and directs that all correspondence be addressed to that Customer Number:

Customer Number: 020306  
Principal attorney or agent: Bradley J. Hulbert  
Telephone number: 312-913-0001

**Assignee of Entire Interest:**

Name: Digital Networks North America, Inc.

Address: 19 Chapin Road

Pine Brook, New Jersey 07058-9777

**EVIDENCE AND CERTIFICATION OF CHAIN OF TITLE**

☐ Recorded in PTO on \_\_\_\_\_

Reel \_\_\_\_\_

Frame \_\_\_\_\_

☒ Recorded herewith.

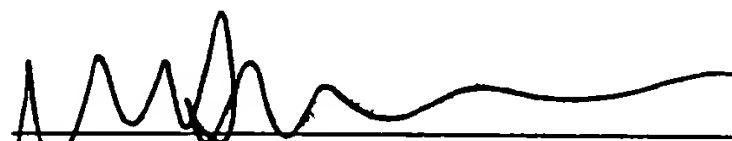
**ASSIGNEE CERTIFICATION**

In accordance with 37 C.F.R. § 3.73 the assignee hereby certifies that the evidentiary documents with respect to its ownership have been reviewed and that, to the best of assignee's knowledge and belief, title is in the assignee seeking to take this action.

Date:

7/9/03

Signature



Name: Michael Seedman

Title: Chairman of the Board

# ASSIGNMENT

S&amp;H 12/94

WHEREAS: We, Scott Jones, residing at 1150 West 116th Street, Carmel, IN 46032 U.S.A.; and Douglas M. Keenan, residing at 505 Tamarack Lane, Noblesville, IN 46060 U.S.A. (hereinafter, referred to as ASSIGNOR), have invented certain new and useful improvements in an invention entitled

## PLAYBACK DEVICE HAVING TEXT DISPLAY AND COMMUNICATION WITH REMOTE DATABASE TITLES

for which an application for United States Letters Patent was filed as Serial No. 09/227,086 on January 5, 1999;

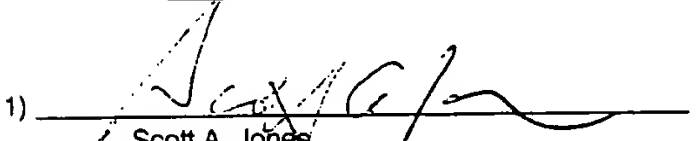
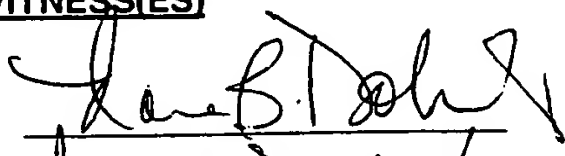
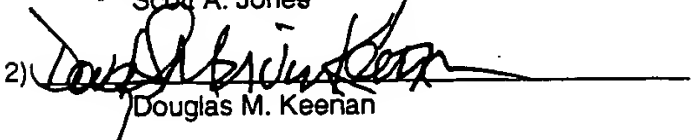
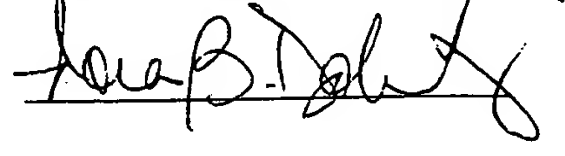
WHEREAS: ESCIENT INC., an INDIANA corporation in the U.S.A., having a place of business located at 12955 Old Meridian Street, Suite 107 in the City and County of Carmel, State of Indiana 46032 U.S.A. (hereinafter referred to as ASSIGNEE), is desirous of acquiring the entire interest in, to and under said invention and in, to and under Letters Patent or similar legal protection to be obtained therefor in the United States and in any and all foreign countries.

NOW, THEREFORE, TO ALL WHOM IT MAY CONCERN: Be it known that in consideration of the payment by ASSIGNEE to ASSIGNOR of the sum of One Dollar (\$1.00), the receipt and sufficiency of which is hereby acknowledged, and for other good and valuable consideration, ASSIGNOR hereby sells, assigns and transfers to ASSIGNEE, its lawful successors and assigns, the full and exclusive right, title and interest to said invention in the United States and its territorial possessions and in all foreign countries and to all Letters Patent or similar legal protection in the United States and its territorial possessions and in any and all foreign countries to be obtained for said invention by said application or any continuation, division, continuation-in-part, reexamination, renewal, substitute, extension or reissue thereof or any legal equivalent thereof in a foreign country for the full term or terms for which the same may be granted; and authorize and request the Commissioner of Patents of the United States and any official of any foreign country whose duty it is to issue patents or legal equivalents thereto, to issue same for this invention to ASSIGNEE, its lawful successors and assigns.

ASSIGNOR hereby covenants that no assignment, sale, agreement or encumbrance has been or will be made or entered into which would conflict with this assignment and sale;

ASSIGNOR further covenants that ASSIGNEE will, upon its request, be provided promptly with all pertinent facts and documents relating to said application, said invention and said Letters Patent and legal equivalents in foreign countries as may be known and accessible to ASSIGNOR and will testify as to the same in any interference or litigation related thereto and will promptly execute and deliver to ASSIGNEE or its legal representative any and all papers, instruments or affidavits required to apply for, obtain, maintain, issue and enforce said application, said invention and said Letters Patent and said equivalents thereof in any foreign country which may be necessary or desirable to carry out the purposes thereof.

IN WITNESS THEREOF, We have hereunto set hand and signed on the date indicated below:

<u>INVENTOR</u>	<u>DATE SIGNED</u>	<u>WITNESS(ES)</u>
1)  Scott A. Jones	24 February 1999	
2)  Douglas M. Keenan	24 February 1999	



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND  
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE

MARCH 31, 2004

PTAS  
MCDONNELL, BOEHNEN, HULBERT & BERGHOFF  
ENRIQUE PEREZ  
300 SOUTH WACKER DRIVE - 32ND FLOOR  
CHICAGO, IL 60606



\*102545968A\*

### UNITED STATES PATENT AND TRADEMARK OFFICE NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 09/08/2003

REEL/FRAME: 014462/0133  
NUMBER OF PAGES: 56

BRIEF: ASSETT PURCHASE

ASSIGNOR:  
OPENGLOBE, INC.

DOC DATE: 04/22/2003

ASSIGNEE:  
DIGITAL NETWORKS NORTH AMERICA,  
INC.  
2600 SAN TOMAS EXPRESSWAY  
SANTA CLARA, CALIFORNIA 95051-0953

SERIAL NUMBER: 09478407 ✓  
PATENT NUMBER:

FILING DATE: 01/06/2000  
ISSUE DATE:

SERIAL NUMBER: 09694005 ✓  
PATENT NUMBER:

FILING DATE: 10/23/2000  
ISSUE DATE:

SERIAL NUMBER: 10002627 ✓  
PATENT NUMBER:

FILING DATE: 12/05/2001  
ISSUE DATE:

014462/0133 PAGE 2

SERIAL NUMBER: 10274122 ✓  
PATENT NUMBER:

FILING DATE: 10/21/2002  
ISSUE DATE:

SERIAL NUMBER: 60159102 ✓  
PATENT NUMBER:

FILING DATE: 10/13/1999  
ISSUE DATE:

SERIAL NUMBER: 09453023 ✓  
PATENT NUMBER:

FILING DATE: 12/02/1999  
ISSUE DATE:

SERIAL NUMBER: 10012438 ✓  
PATENT NUMBER:

FILING DATE: 12/12/2001  
ISSUE DATE:

SERIAL NUMBER: 09226169 ✓  
PATENT NUMBER: 6473441

FILING DATE: 01/07/1999  
ISSUE DATE: 10/29/2002

SERIAL NUMBER: 09689725 ✓  
PATENT NUMBER: 6539210

FILING DATE: 10/13/2000  
ISSUE DATE: 03/25/2003

SERIAL NUMBER: 09227086 ✓  
PATENT NUMBER: 6304523

FILING DATE: 01/05/1999  
ISSUE DATE: 10/16/2001

SERIAL NUMBER: 09002721 ✓  
PATENT NUMBER: 6469633

FILING DATE: 01/05/1998  
ISSUE DATE: 10/22/2002

ANTIONE ROYALL, EXAMINER  
ASSIGNMENT DIVISION  
OFFICE OF PUBLIC RECORDS



**ASSIGNMENT AND AGREEMENT IN AN APPLICATION FOR  
LETTERS PATENT OF THE UNITED STATES OF AMERICA**

I hereby declare that I am a joint inventor of the invention relating to "Playback Device Having Text Display and Communication with Remote Database of Titles" described in an application for Letters Patent of the United States of America filed on October 15, 2001, having Serial No. 09/976,038.

For valuable consideration received, I hereby sell, assign and transfer to Digital Networks North America Inc. (DNNA), a corporation duly organized and existing under the laws of the State of Delaware, United States of America, its successors and assigns, my entire right, title and interest, for all countries in and to said inventions and all the rights and privileges under any and all Letters Patent that may be granted therefore, and any divisions, continuations, continuation-in-parts, reissues and extensions thereof.

I agree that, when requested, I will, without charge to said corporation but at its expense, sign all papers, take all rightful oaths, make all rightful declarations and do all acts which may be necessary, desirable or convenient for securing and maintaining patents or other forms of protection for said inventions in any and all countries and for vesting title thereto in said corporation, its successors, assigns or nominees.

I agree that I will communicate to said corporation or its representatives any facts known to me respecting said inventions and when requested by said corporation and at its expense will testify in any legal proceedings, and generally do everything possible to aid said corporation, its successors, assigns and legal representatives or nominees, to obtain or enforce proper protection for said inventions in any and all countries.

I authorize and empower said corporation, its successors, assigns or nominees, to make application for patent or other form of protection for said inventions in its or their own name, or in my/our name, in any and all countries to invoke and claim for any application for patent or other form of protection for said inventions filed by it or them, the benefit of the right of priority provided by the International Convention for the Protection of Industrial Property, as amended, or by any convention which may henceforth be substituted for it, and to invoke and claim such right of priority without further written or oral authorization from me.

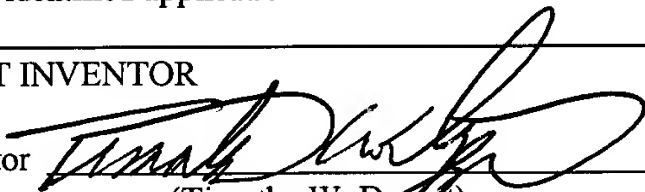
I hereby consent that a copy of this Assignment shall be deemed a full legal and formal equivalent of any assignment, consent to file or like document which may be required in any country for any purpose and more particularly in proof of the right of the said corporation or its successors, assigns or nominees to apply for patent or other proper protection for said inventions, and to claim the aforesaid benefits of the right of priority provided by the International Convention for the Protection of Industrial Property, as amended, or by any convention which may henceforth be substituted for it.

I covenant with DNNA, its successors, assigns, legal representatives, and nominees, that to the best of my knowledge the right, title and interest herein conveyed by me are free and clear of any encumbrance, and that I have the full right to convey the same as herein expressed.

This Agreement and Assignment supersedes all other assignments, agreements and addendums related to the above identified application.

JOINT INVENTOR

Inventor

  
(Timothy W. Dygett)

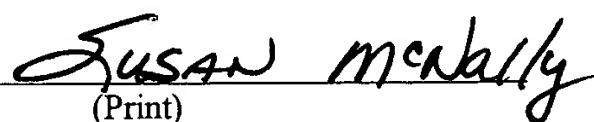
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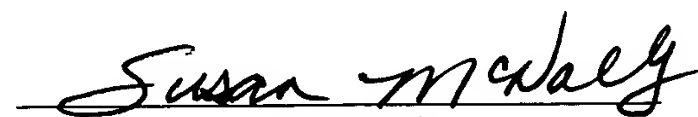
8/27/04

Citizenship: United States of America

Post Office Address: 371 S. Cross Creek Way, Columbia City, Indiana 46725

Witness:

  
(Print)

  
(Signature)

JOINT INVENTOR

Inventor

(Sethu K. Madhavan)

Date:

09/7/04

Citizenship: India

49121 ROCKEFELLER DR, CANTON, MI 48188

Post Office Address: ~~2012 Sudbury Street, Naperville, Illinois 60564~~

Witness:

(Print)

SUSAN McNALLY

(Signature)

Susan McNally

JOINT INVENTOR

Inventor

(Gerard V. Talatinian)

Date:

09/02/2004

Citizenship: United States of America

Post Office Address: 7572 Prairie View Lane, Indianapolis, Indiana 46256

Witness:

(Print)

SUSAN McNALLY

(Signature)

Susan McNally